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TJX COMPANIES, INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CAROLYN DUNN LUKSZA &  
PATRICIA FOSER, INDIVIDUALLY  
AND ON BEHALF OF OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

TJX COMPANIES, INC., a Delaware  
corporation, d/b/a "TJ MAXX" DOES I  
through X; and ROE Corporations I  
through X, inclusive,

Defendant.

Case No. 2:11-CV-01359-JCM-GWF

**NOTICE OF NON-OPPOSITION TO  
DEFENDANT'S EMERGENCY MOTION  
FOR EXTENSION OF TIME FOR  
DEFENDANT TO FILE OPPOSITION TO  
PLAINTIFFS' MOTION FOR NOTICE OF  
THE PENDENCY OF THIS ACTION,  
CONDITIONAL CERTIFICATION AND  
FOR OTHER RELIEF AND ~~PROPOSED~~  
ORDER GRANTING THE SAME**

Defendant TJX COMPANIES, INC., by and through its attorneys of record hereby provides notice to this Court of Plaintiffs' non-opposition to Defendant's Emergency Motion for Extension of Time for Defendant to File Opposition to Plaintiffs' Motion for Notice of the Pendency of this Action, and Conditional Certification ("Emergency Motion").

Defendant filed its Emergency Motion on October 13, 2011 requesting additional time with which to respond to Plaintiffs' Motion for Notice of the Pendency of this Action, Conditional Certification and for other Relief (Plaintiffs' Motion for Notice"). **Dkt. #13**. Following the filing of Defendant's Emergency Motion, this Court issued a Minute Order requiring Plaintiffs to respond to the Motion no later than Wednesday, October 19, 2011.

1 **Dkt. # 14.** As of Thursday, October 20, 2011, Plaintiffs have filed no opposition, or  
2 response of any kind, to Defendant's Emergency Motion.

3 Local Rule 7-2(d) states in pertinent part that "[t]he failure of an opposing party to file  
4 points and authorities in response to any motion shall constitute a consent to the granting  
5 of the motion." Defendant therefore respectfully requests that this Court grant its  
6 Emergency Motion allowing Defendant to file its response to Plaintiffs' Motion for Notice no  
7 later than November 18, 2011.

8  
9 Dated: October 20, 2011

10 Respectfully submitted,


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13 WENDY MEDURA KRINCEK, ESQ.  
14 CORY G. WALKER, ESQ.  
15 LEE A. SCHRETER, ESQ.  
16 RICHARD W. BLACK, ESQ.  
17 LITTLER MENDELSON

18 Attorneys for Defendant  
19 TJX COMPANIES, INC.

20 **IT IS SO ORDERED.**

21 Dated this 20<sup>th</sup> day of October, 2011.

22  
23   
24 GEORGE FOLEY, JR.  
25 United States Magistrate Judge  
26  
27  
28

**PROOF OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada, 89169. On October 20, 2011, I served the within document(s):

**NOTICE OF NON-OPPOSITION TO DEFENDANT'S EMERGENCY MOTION FOR EXTENSION OF TIME FOR DEFENDANT TO FILE OPPOSITION TO PLAINTIFFS' MOTION FOR NOTICE OF THE PENDENCY OF THIS ACTION, CONDITIONAL CERTIFICATION AND FOR OTHER RELIEF AND [PROPOSED] ORDER GRANTING THE SAME**

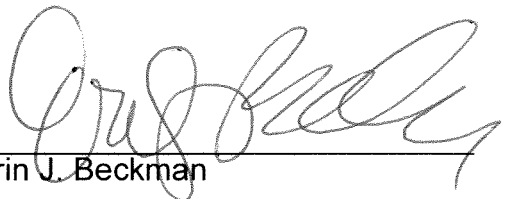
- ☒ By CM/ECF Filing – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court's Case Management and Electronic Case Filing (CM/ECF) system:

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on October 20, 2011, at Las Vegas, Nevada.

  
Erin J. Beckman

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